PERMITS AND EASEMENTS PLAN
TECHNICAL MEMORANDUM
BUCKMAN DIRECT DIVERSION PROJECT

Prepared For: **City of Santa Fe and Santa Fe County**

Prepared By: **CDM and SWCA**

Date: **December 8, 2005**

Purpose and Content

This technical memorandum presents the scope of permits, easements, and other requirements and commitments for the Buckman Direct Diversion (BDD) Project. A summary of each required permit with the data requirements, time frames necessary to complete each item, and recommended entity responsible for obtaining the permit is included in this Permit Plan (the Plan). Early completion of the time-sensitive items advances the goal of managing the timely completion of the BDD Project.

Initial discussions have been held with each of the regulatory agencies for each permit, easement, right of way (ROW), and other requirement. Letters to each permitting agency were sent to confirm initial discussions had been accurately reflected in the Plan. This Plan includes the input from agencies that responded on the regulations and their application, the compliance process, timeframes, sensitive design issues, and agency policies and procedures. A detailed write-up has been included for each item since this Plan supports other Phase A tasks.

As part of the Project Delivery Strategy (Task A2), it was agreed that obtaining permits would be a shared responsibility, according to which party would best be able to obtain the permit. In addition, permits are to be obtained as early as possible to mitigate the risk of schedule delays. This Plan outlines the responsibilities for the Owners, the Design/Build (DB) Contractor, and the Owners' Consultant (OC). Regulatory challenges have been identified so that negative impacts to the Project schedule will be mitigated.

Also provided within this Plan is an evaluation of the implications and risks of assigning the permitting/easement/other requirements to the DB Contractor. Adhering to the guidelines and timeframes described in this Plan in order to complete items is critical to minimizing risk. Each permit, easement, and other requirement necessary for completion of the BDD Project will continually be checked and updated as the Project progresses.

A list of acronyms is provided at the end of this Plan.

Description of Permits, Easements, and Other Requirements

This Plan separately describes permits, easements and other requirements necessary to design, construct, and operate the proposed BDD facilities in compliance with all applicable regulations or other requirements. For the purposes of this Plan, permits, easements and other requirements are defined as follows:

> ***Permits*** are written approvals by a governing agency allowing a specific action. A formal application process is required and conditions or stipulations are typically made part of the permit approval.
>
> ***Easements and right of ways (ROWs)*** are agreements to allow construction and future access to maintain and operate a facility, such as a pipeline, within property owned by another entity.
>
> ***Other requirements*** encompass stipulations of permits and other commitments necessary to comply with the regulatory requirements and other agencies' and utilities' procedures to complete a project.

The development of this Plan and the assignment of responsibility are based upon evaluating the best means of acquiring permits and easements and meeting all regulatory requirements while meeting the Owner's Objectives for this Project:

> **Quality –** *Provide high quality project facilities and equipment that meet performance requirements in order that the Owners can reliably operate the Project to produce high quality drinking water*
>
> **Risk –** *Minimize the risks of project delivery to all parties, maximize the clarity and acceptance by all parties of the risk allocation, and eliminate the Owners' risks – subsequent to award of the DB Contract – of increased costs and of the completed Project not meeting performance requirements*
>
> **Schedule –** *Initially establish and maintain the project schedule in order to delivery the completed project in the shortest practicable time and eliminate future occurrences of material project completion delays*
>
> **Cost –** *Minimize the Owners' life-cycle cost of the project*

As agreed to in the Strategic Project Delivery Workshop, dividing the permitting responsibility between the OC and the DB will promote the Owners' Objectives for risk, cost and schedule. The assignment of responsibility has been based in large part upon the level of design required for regulatory review and issuance of the permit and the best party to take upon the responsibility for obtaining that permit. In general, responsibility for permits and other items has been assigned to the OC for early completion where they are not dependent on the DB Contractor's design or input.

Index of Permits, Easements, and Other Regulatory Requirements

Permits, easements and other requirements in this Plan are organized as shown in the following index:

Index of Permits, Easements, and Other Regulatory Requirements

Item No.	Responsible Party	Agency	Description
PERMITS FROM FEDERAL AGENCIES			
A1	OC	USACE	US Army Corps of Engineers, Permit for Diversion (Intake) Structure, River, and Arroyo Crossings, *Application, Plan Reviews, and Approval*
A2	OC	US BLM and USFS	Bureau of Land Management and US Forest Service Right-of Way, Temporary Use, and Special Use, *Re-application, Plan Review, and Approval*
A3	DB Contractor	USEPA	US Environmental Protection Agency Notice of Intent and Notice of Termination to Comply with NPDES Permit; US Environmental Protection Agency Storm Water Pollution Prevention Plan; and NMED Certification of NPDES Permit, *Application and Approval*
A4	OC	USEPA	US Environmental Protection Agency Sediment Discharge Permit, *Application and Approval*
PERMITS FROM STATE AGENCIES			
A5	DB Contractor	NMCID	NM Construction Industries Division Approval for Construction, *Application, Plan Review, and Approval*
A6	OC	NMDCA	New Mexico Department of Cultural Affairs, National Historic Preservation Act (Section 106) Compliance, *Consultation and Concurrence*
A7	OC and DB Contractor	NMDOT	NM Department of Transportation Permit to Install Utility Facilities within Public Right of Way, *Application, Plan Review, and Approval*
A8	OC	NMED AQB	NM Environment Department Air Quality Bureau, *Application and Approval*
A9	OC and DB Contractor	NMED DWB	NM Environment Department Drinking Water Bureau Approval of Construction or Modification of Existing Public Water Supply System, *Application, Plan Review, and Approval*
A10	OC	NMED FOD/GWQB	NM Environmental Department Field Operations Division, Liquid Waste Permit and Groundwater Quality Bureau Pollution Prevention Section Notice of Intent Form, *Application, Plan Review, and Approval*
A11	Owners	OSE	Office of the State Engineer Permit to Divert Surface Waters and Permit to Change Place, Purpose of Use, and Point of Diversion for Native Waters, *Application, Plan Review, and Approval*

Index of Permits, Easements, and Other Regulatory Requirements

Item No.	Responsible Party	Agency	Description
PERMITS FROM LOCAL AGENCIES			
A12	DB Contractor	Santa Fe County LUD	Santa Fe County Land Use Department, Development Permit Application, *Application, Plan Review, and Approval*
A13	DB Contractor	City of Santa Fe	City of Santa Fe Development Permit, *Application and Approval*
EASEMENTS FROM STATE AGENCIES			
B1	OC	NMSLO	NM State Land Office Application for Right of Way Easement, *Application, Plan Review, and Approval*
EASEMENTS FROM LOCAL AGENCIES			
B2	DB Contractor	Santa Fe County Public Works	Santa Fe County Public Works Department Application For Right of Way, *Application, Plan Review, and Approval*
EASEMENTS FROM PRIVATE PARTIES			
B3	OC	Private	Easements through Private Property, *Appraisal, Negotiation, and Agreement*
OTHER REQUIREMENTS FROM FEDERAL AGENCIES			
C1	OC and DB Contractor	BLM and USFS	Bureau of Land Management Plan of Development and US Forest Service Operations Report, *Addenda and Revisions*
C2	DB Contractor	BLM and USFS	Bureau of Land Management US Forest Service Visual Management Objectives, *Plan*
C3	OC and DB Contractor	USFS	US Forest Service Native Plant Revegetation Mitigation Program and Habitat Loss Mitigation, *Plan*
C4	DB Contractor	BLM and USFS	Invasive Plant Species Mitigation, *Compliance*
C5	DB Contractor	BLM and USFS	Soil Protection Mitigation Techniques, *Plan*
C6	OC and DB Contractor	USFWS, NMDGF, and NMSFD	Endangered Species Act and Regulations Concerning Special Status Species and Migratory Birds, *Compliance*
OTHER REQUIREMENTS FROM STATE AGENCIES			
C7	OC and DB Contractor	NMED CPB	NM Environment Department Construction Programs Bureau, *Plan Review and Approval*
C8	OC and DB Contractor	NMFA	New Mexico Finance Authority, *Application for Funding, Plan Review and Approval*
C9	OC and DB Contractor	NMED SWQB	NM Environment Department, Surface Water Quality Bureau, permits for NPDES sediment return, NPDES storm water, and USACE dredge and fill, *Certification*

Index of Permits, Easements, and Other Regulatory Requirements

Item No.	Responsible Party	Agency	Description
OTHER REQUIREMENTS FROM LOCAL AGENCIES			
C10	DB Contractor	City of Santa Fe	Noise Constraints and Stipulations, *Compliance*
C11	OC	Various	Residuals Disposal, *Considerations and Alternatives*
C12	OC and DB Contractor	Various Utilities	Utility Coordination, *Submittal, Coordination and Compliance*

Part A: Permits

Permits from Federal Agencies

A4. US ENVIRONMENTAL PROTECTION AGENCY, NPDES PERMIT FOR SEDIMENT DISCHARGE, *Application and Permit:*

Responsibility for Permit Acquisition: OC

Section 402 of the Clean Water Act provides that discharges to waters of the United States (US) must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The US EPA Region 6 is responsible for issuing NPDES permits in New Mexico that specify the amount and concentration of contaminants a permittee may discharge to a surface waterbody. The US EPA is also responsible for the enforcement of effluent limitations stipulated by NPDES permits. Since New Mexico is not delegated primacy for issuing NPDES permits, New Mexico is authorized to review permits and discharges to ensure the effluent limits will 1) be compatible with appropriate state law; 2) protect water quality standards adopted in accordance with section 303 of the Clean Water Act; and 3) implement an effective water quality plan. The state review, referred to as "certification" can result in the following: 1) approve the discharge without conditions; 2) approve the discharge subject to conditions; 3) deny certification; or 4) waive certification.

Permitting of the proposed sand return discharge from the near-river sedimentation facilities back to the Rio Grande is a key step in implementation of the BDD Project. The overall strategy is to obtain an NPDES permit for the sand return discharge of the BDD Project with an effluent limit that is water quality-based.

Previous discussions with USEPA Region 6 NPDES staff have indicated that the USEPA intends to require technology-based requirements if the sand return option is permitted under the NPDES program. A letter refuting the legal basis for requiring an NPDES permit for this discharge has been sent to the USEPA by the Owners. The USEPA response maintains the requirement to have an NPDES permit, thus further

efforts will focus on convincing the USEPA and NMED that the appropriate effluent limitations for this NPDES permit are water quality based limits, because technology – based limits for water treatment do not exist and the return of sand to the source water is a common practice.

New discussions with NMED and USEPA will undertaken in conjunction with submitting a response to EPA's 2003 comments on the draft permit application, prior to filing of a formal NPDES permit application for the preferred sand-return alternative. Although NMED does not have authority for NPDES permits in New Mexico, the USEPA often consults with and defers to the NMED on permit conditions. Having NMED support for a water quality based effluent limit in the permit would help in discussions with USEPA. Discussions with USEPA should be conducted to provide briefings on the common practice of returning sediment to the source water from water treatment plants. The goal of this meeting with USEPA will be to determine if an NPDES permit is an acceptable resolution to the sediment management issue.

If discussions with USEPA permit writers result in no change of position at the staff level, the Governor and Congressional delegation should be contacted and briefed on the significance of this Project to the community and to obtain their support in elevating the City and County's concerns to the USEPA Region 6 Administrator. Meetings with the USEPA Region 6 Administrator should be held to explain the proposed solutions to the sand return permitting and request the USEPA permitting staff continue discussions on how to implement the proposed sediment return.

The process for applying and obtaining an NPDES permit is:

- Submit the NPDES application form with owners name, address, expected discharge characteristics, receiving waterbody to US EPA with a copy to NMED requesting initiation of antidegradation review.

- The USEPA drafts a permit specifying effluent limits and monitoring requirements; notice of availability of the permit for public review and comment is published in the newspaper. A hearing can be requested by any party.

- NMED conducts antidegradation review, which may also require a public hearing, and certifies the permit, with or without conditions (See Section C8).

- USEPA issues a final NPDES permit that remains in effect for 5 years, at which time the permit must be renewed.

The process of obtaining an NPDES permit, including NMED certification, can occur at the same time and can take up to 180 days. The OC started the process at a meeting

with NMED on September 2, 2005. A meeting with EPA will be scheduled early in 2006 to begin the permit process.

A2. BUREAU OF LAND MANAGEMENT AND US FOREST SERVICE RIGHT OF WAY, TEMPORARY USE, AND SPECIAL USE, *Re-application, Plan Review, and Approval:*

Responsibility for Permit Acquisition: OC

The BLM issues ROWs and Temporary Use Permits for water facilities constructed on BLM-managed lands under the authority of the Federal Land Policy and Management Act (FLPMA) of 1976 and amendments. The same regulation provides authority to the United States Forest Service (USFS) to issue Special Use Permits and Temporary Use Authorizations. Because the facilities are within or cross lands managed by these agencies, an ROW and Special Use Permit must be obtained prior to conducting any land disturbance activities. Additionally, temporary use authorizations are required for work in areas outside the officially designated ROW. For this Project, the ROW along the pipeline corridor will be 40 feet in width and will encompass the existing pipeline ROW. However, construction activities require additional land area for work, material stockpiling, equipment storage and other construction needs. Acquisition of the ROW and temporary use authorization requires submittal of an application using Standard Form (SF) 299. Both agencies use SF 299, although the form differs slightly for each agency.

The City already holds ROWs and Special Use Permits with both agencies for the Buckman Well Facilities. The City requested amendments to the existing BLM ROW (NM 18720) and the USFS Special Use Permit (ESP 104503) in a cover letter and application submitted to the agencies on October 1, 2001. Under these applications and through issuing the signed ROD on the Final EIS, the agencies will amend the existing ROW and Special Use Permit to include the new ROW, Special Use and Temporary Use Authorizations. Stipulations will be placed upon the applicants in the documentation issued by the agencies. Stipulations will include such requirements as submittal of a Plan of Development (POD, see C1); additional plans (traffic control plan, spill prevention plan, fire prevention plan are some examples); submittal of project documentation such as other permit approvals and coordination and approval by the agencies of certain facility criteria such as building colors and tree removal and use. Some of these stipulations are outlined later in this permit plan under the "Other Requirements" section. However, not all stipulations can be identified until the EIS is complete and the ROD has been issued. The Realty Agents for each agency will use the ROD documentation to generate the ROW documentation and stipulations.

As the applications to each agency were submitted in October 2001, nearly four years ago, BLM requested an updated application be prepared and resubmitted. This application will reflect the currently available information and in combination with the

updated POD will be used to prepare the ROW documentation. The SF 299 requires the following information:

1. Project description including summary of facilities and areas of disturbance (temporary and permanent); construction and operating schedules; and other project information

2. Mapping of proposed project

3. Statement of technical and financial capability

4. Other information already contained within the previously submitted form and EIS documents

5. Signature by City Manager or other authorized agent

As much of the information is contained in other documents, the completion of the documents for reapplication will be straightforward. This work must be completed in tandem with the updating of the BLM POD and USFS Operations Report (discussed in C1). The ROW, Special Use Permit, and Temporary Use Authorizations must be completed prior to conducting the final site investigations studies such as the second phase of the geotechnical investigation. The federal agency's intent is to issue the authorization shortly after the completion of the Decision's Administrative Review Periods. This is currently estimated to occur June 2006.

Once the BDD EIS is finalized, the USFS will review a revised SF 299 permit application (discussed above in A2) and produce a permit authorizing the special use. The USFS usually requires 30 days to complete the environmental review and paperwork processing for the final EIS, including the appeal process. The USFS will take the permit working directly from the text in the EIS for the permit and the Operations Report. . The permit will be for USFS Management Area G, USFS Management Area L will not be included. Numerous other stipulations will be included in the permit and may include mitigation measures in the EIS relating to noxious weeds control ('Weeds' EIS), visual objectives, soil protection, noise limitations, requirements for traffic control plans, spill prevention plan, fire prevention plan, security, site work restrictions, submittal of as-built drawings and final surveys. Not all stipulations have been communicated. The DB Contractor will be required to comply with all stipulations outlined by the Special Use Permit and the stipulations will be specified in the DB Procurement and Contract Documents to adequately account for the DB Contractors cost for compliance in the proposals.

The BLM will prepare a Right of Way permit document for the Project that outlines many stipulations. The BLM will prepare the permit stipulations based upon the Final EIS document, the revised permit application, and the amended POD.

The stipulations will include visual management requirements, noise standards, traffic control, fire prevention, spill prevention, stormwater and erosion controls, protection of animals for being trapped in trenches, maintenance of public access, providing copies of all other permit documentation, specific best management practices, restoration plan, invasive weed plan, beneficial use of removed trees, and accounting and payment for removed trees. The DB Contractor will be required to comply with all stipulations outlined by the Special Use Permit and the stipulations will be specified in the DB Procurement and Contract Documents to adequately account for the DB Contractors cost for compliance in the proposals. The DB Contractor must submit preliminary and final design plans and other requested documentation in a timely fashion.

This ROW acquisition is paramount to providing the DB Contractor with adequate information to accurately estimate the project cost. In the event the ROWs cannot be acquired prior to procuring the DB Contractor, there will be a significant potential for the project cost to increase or the project schedule to slip as a result of needing additional information prior to design or identifying changed site conditions from the preliminary investigation work. Additionally, acquisition of the ROWs by the OC prior to procuring the DB Contractor will ensure stipulations placed on the ROW are communicated and accounted for in the DB proposals.

A3. US ENVIRONMENTAL PROTECTION AGENCY NOTICE OF INTENT AND NOTICE OF TERMINATION TO COMPLY WITH NPDES PERMIT; US ENVIRONMENTAL PROTECTION AGENCY STORM WATER POLLUTION PREVENTION PLAN; AND NMED CERTIFICATION OF NPDES PERMIT, *Application and Approval:*

Responsibility for Permit Acquisition: DB Contractor

Section 402(p) of the Clean Water Act provides that storm water discharges associated with industrial activity that discharge to waters of the United States (US) must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit. On November 16, 1990, the United States Environmental Protection Agency (USEPA) published regulations under the NPDES program that defined one facet of the phrase "storm water discharges associated with industrial activity" as including discharges from construction and construction-related activities that result in the disturbance of five or more acres of total land area, including smaller areas that are part of a larger common plan of development or sale, and established permitting requirements (40 CFR §122.26(b)(14)(x)). These are commonly referred to as Phase I construction activities or "large" construction activities. More recent regulations introduced Phase II requirements that apply to construction activities disturbing between one and five acres. Construction and construction-related activities refer to the actual earth disturbing construction activities and those activities supporting the construction project such as construction materials or equipment storage or maintenance (e.g., fill

piles, borrow area, concrete truck washout, fueling), measures used to control the quality for storm water associated with construction activity, or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants). It does not refer to construction activities unrelated to earth disturbing activities such as interior remodeling, completion of interiors of structures, etc. As described in the Draft Environmental Impact Statement (EIS), the BDD Project will disturb approximately 300 acres for construction activities and thus, compliance with the Phase I Storm Water Regulations is required. The preliminary site investigation work such as the geotechnical investigation will disturb less than one acre of land and therefore not even the Phase II construction activities regulations apply to that portion of the Project.

The USEPA developed "General Permits" to assist in entities compliance with the NPDES regulations without having to prepare an individual permit for each project. For construction activities, this permit is titled "NPDES General Permit for Storm Water Discharges from Construction Activities." To apply for coverage under a general permit you must file a Notice of Intent (NOI) for coverage under the General Permit for Construction Activities with the Region 6 USEPA Office (Dallas, TX) at least 10 days prior to commencement of construction activities. New Mexico has not received federal authority to issue construction stormwater permits. As a result, the permitting authority is Region 6 USEPA. However, New Mexico is currently developing an implementation plan for authority to manage the NPDES program. In the event the New Mexico Environment Department (NMED) receives this authority prior to the DB Contractor initiating construction, documentation and coordination with NMED, rather than USEPA, will be required. Currently, NMED must certify that the NPDES permit will protect New Mexico water quality standards (See Section C8).

The NOI form requires information such as applicable permit number (NMR150000), applicant contact information, site location, certification of Storm Water Pollution Prevention Plan (SWPPP) preparation, waterways near sites, construction activity dates, and total acreage. An NOI must be submitted by both the Owner and the DB contractor.

An SWPPP in accordance with the requirements of the General Permit must be prepared by the DB Contractor and kept on-site and available for inspection. The SWPPP must:

1. Identify all potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction sites;

2. Describe practices to be used to reduce pollutants in storm water discharges from the construction sites; and

3. Assure compliance with the terms and conditions of the general permit.

The SWPPP must describe the site and activity, the controls that will be implemented to prevent pollution, the management methods to minimize non-storm water discharge, and maintenance procedures.

The DB Contractor must implement the SWPPP as written from commencement of construction activity until final stabilization is complete. Upon completion of the Project, the Owner and the DB Contractor must submit a Notice of Termination form to notify USEPA work is complete. The SWPPP must also be submitted to the Bureau of Land Management (BLM) and United States Forest Service (USFS) under the expected ROW stipulations and to any other agency that requests the documentation.

A4. US ENVIRONMENTAL PROTECTION AGENCY, NPDES PERMIT FOR SEDIMENT DISCHARGE, *Application and Permit:*

Responsibility for Permit Acquisition: OC

Section 402 of the Clean Water Act provides that discharges to waters of the United States (US) must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The US EPA Region 6 is responsible for issuing NPDES permits in New Mexico that specify the amount and concentration of contaminants a permittee may discharge to a surface waterbody. The US EPA is also responsible for the enforcement of effluent limitations stipulated by NPDES permits. Since New Mexico is not delegated primacy for issuing NPDES permits, New Mexico is authorized to review permits and discharges to ensure the effluent limits will 1) be compatible with appropriate state law; 2) protect water quality standards adopted in accordance with section 303 of the Clean Water Act; and 3) implement an effective water quality plan. The state review, referred to as "certification" can result in the following: 1) approve the discharge without conditions; 2) approve the discharge subject to conditions; 3) deny certification; or 4) waive certification.

Permitting of the proposed sand return discharge from the near-river sedimentation facilities back to the Rio Grande is a key step in implementation of the BDD Project. The overall strategy is to obtain an NPDES permit for the sand return discharge of the BDD Project with an effluent limit for settleable solids.

Previous discussions with USEPA Region 6 NPDES staff have indicated that the USEPA intends to require technology-based requirements if the sand return option is permitted under the NPDES program. A letter refuting the legal basis for requiring an NPDES permit for this discharge has been sent to the USEPA by the Owners. In the event that the USEPA maintains the requirement to have an NPDES permit, further efforts will focus on convincing the USEPA and NMED that the appropriate effluent limitations for this NPDES permit is for settleable solids only.

New discussions with NMED and USEPA will undertaken in preparation for the filing of a formal NPDES permit application for the preferred sand-return alternative. Although NMED does not have authority for NPDES permits in New Mexico, the USEPA often consults with and defers to the NMED on permit conditions. Having NMED support for a settleable solids effluent limit in the permit would help in discussions with USEPA. Discussions with USEPA should be conducted to provide briefings on the issue of settleable solids and the common practice of returning sediment to the rivers at diversions. The goal of this meeting with USEPA will be to determine if an NPDES permit for settleable solids is an acceptable resolution to the sediment management issue.

If discussions with USEPA permit writers result in no change of position at the staff level, the Governor and Congressional delegation should be contacted and briefed on the significance of this Project to the community and to obtain their support in elevating the City and County's concerns to the USEPA Region 6 Administrator. Meetings with the USEPA Region 6 Administrator should be held to explain the proposed solutions to the sand return permitting and request the USEPA permitting staff continue discussions on how to implement the proposed sediment return.

The process for applying and obtaining an NPDES permit is:

- Submit the NPDES application form with owners name, address, expected discharge characteristics, receiving waterbody to US EPA with a copy to NMED requesting initiation of antidegradation review.
- The USEPA drafts a permit specifying effluent limits and monitoring requirements; notice of availability of the permit for public review and comment is published in the newspaper. A hearing can be requested by any party.
- NMED conducts antidegradation review, which may also require a public hearing, and certifies the permit, with or without conditions (See Section C8).
- USEPA issues a final NPDES permit that remains in effect for 5 years, at which time the permit must be renewed.

The process of obtaining an NPDES permit, including NMED certification, can occur at the same time and can take up to 180 days. The OC started the process at a meeting with NMED on September 2, 2005. A meeting with EPA will be scheduled early in 2006 to begin the permit process.

Permits from State Agencies

A5. NEW MEXICO CONSTRUCTION INDUSTRIES DIVISION APPROVAL FOR CONSTRUCTION, *Application, Plan Review, and Approval:*

Responsibility for Permit Acquisition: DB Contractor

To supplement the Santa Fe County Building and Development approval for construction (included in the Plan), the New Mexico Construction Industries Division (NMCID) requires a comprehensive plan review before a "State Building Permit" is approved and before construction may begin. NMCID is responsible for review and approval of construction plans and the issuance of building permits. NMCID reviews plans to verify compliance with electrical, mechanical, and general construction code requirements adopted by the State of New Mexico. NMCID approvals are typically received within 30 days.

To facilitate the accelerated timeline of the BDD Project, NMCID will accept the plans from the applicant (the DB Contractor) in multiple submittals:

1. Diversion structure, raw water lift station, diversion support facility building – as the Final Plan Set
2. Sediment removal facility and Booster Station 1A - as the Final Plan Set
3. Booster Station 2A – as the Final Plan Set
4. Water Treatment Plant – in three stages:
    a. Stage 1: Overview, Civil, and Foundation and Below-Grade Structures
    b. Stage 2: Buildings, Above-Grade Structures, Architectural, Mechanical and Equipment
    c. Stage 3: Electrical and Instrumentation

Plan sets for the transmission/distribution pipelines will not require NMCID review/approval if the drawings are stamped by a New Mexico registered Professional Engineer.

For the water treatment plant, each "staged" submittal will build upon the information included in the previous submittal. This stream-lined process will allow for quicker reviews from the NMCID and will allow the DB Contractor to start construction months ahead of completing and submitting a full design package for the entire water treatment plant.

Using the following guidelines, the applicant (the DB Contractor) will be required to prepare submittal packages with the following elements:

1. One copy of the "Application for State Building Permit." This form shall include the description of the work, construction materials, square footage, etc.

2. One copy of the signed contract between the project owner and the contractor.

3. All applicable fees, which cover the plan review, the permit notice, and required inspections. The fee will be based upon the valuation amount. NMCID will calculate the valuation and fee for the applicant.

4. Two complete sets of plans and specifications, including the following [as is appropriate for the particular design package]:

    a. Cover Sheet, with project identification, address, map(s), design professional, and design criteria.

    b. Site Plan, with proposed new structures, any existing structures, property lines, streets, easements, and setbacks. All utilities, whether proposed or existing, shall also be shown.

    c. Foundation Plan, with all foundations and footings.

    d. Floor Plan, with each room dimensioned and its use identified.

    e. Framing Plans and Roof Framing Plans, with all structural members, size, methods of attachment, and materials.

    f. Exterior Elevations, with all views depicted.

    g. Building Sections and Wall Sections, with all materials and all non-rated and fire-rated assemblies.

    h. Mechanical System, with units, mounting details, duct work, and equipment schedules.

    i. Plumbing System, with all fixtures, piping, materials, and sizes.

    j. Electrical System, with electrical rise diagrams, fixtures, panel schedules, single line diagrams, and lighting fixtures.

    k. Structural Calculations, with wind, roof, and floor design loads.

l. Specifications, in booklet form, covering materials and methods of construction.

m. Addenda and Changes, if applicable.

n. Revisions, if applicable.

5. Professional seals will be required on every standard page of the construction documents with original signature and date, certifying professional responsibility for every aspect of the Project. Requirements for Single Seal or Multiple Seals shall be as defined by the State of New Mexico.

The requirements listed herein may be reduced for facilities located on non-City lands. For instance, the Supplemental Buckman Wells 10-13 Project, NMCID reviewed only the electrical components for the facilities located on BLM managed land. CDM is continuing to evaluate the requirements of this permit.

Once approval is received by NMCID, construction inspection will be required within 48 hours for the following items:

1. Foundation Inspection, after excavations for footings are complete and reinforcing steel is in place.

2. Concrete Slab or Under-Floor Inspection, after all in-slab or under-floor equipment, conduit, and piping is in place.

3. Frame Inspection, after the roof, all framing, fire blocking, penetrations, and bracing are in place.

4. Weather-Resistive Barrier Inspection, before the barrier is covered.

5. Final Inspection, after grading and the building is complete.

6. Other Inspections, if required by NMCID, may be performed.

NMCID will then provide a "Certificate of Occupancy" prior to any building or structure occupancy.

In summary, the DB Contractor should submit for the approval process at least 30 days prior construction of the Diversion Structure (1 final package), Sediment Removal Facility (1 final package), Booster Station 2A (1 final package), or WTP (3 packages). The DB Contractor should be given the flexibility to work with NMCID during the design process to further determine the WTP package contents. The NMCID will review each submittal within 30 days and provide written approval/rejection to the applicant. Numerous inspections will be required by NMCID, and must be

coordinated within 48 hours of the inspection. NMCID will issue a "Certificate of Occupancy" prior to building or structure occupancy.

To minimize risk, whether it is delays to the design, mobilization, or construction, it is imperative that the DB Contractor follow the guidelines and timeframes set forth by the NMCID for this process. Also, additional discussion will be held by the OC with NMCID to make sure NMCID is ready for the reviews.

A6. NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS, NATIONAL HISTORIC PRESERVATION ACT (SECTION 106) COMPLIANCE, *Consultation and Concurrence:*

Responsibility for Permit Acquisition: OC

The BDD Project requires easements across federal lands (BLM and USFS) and permits under Section 404 of the CWA. Each of these is considered a federal undertaking under Section 106 of National Historic Preservation Act (NHPA) (16 U.S.C. § 470) and requires the land management or permitting agency to consider effects to historic properties. Historic properties include archaeological sites, historic buildings and landscapes, and traditional cultural places. Compliance is obtained by following the implementing regulations at 36 CFR Part 800.

The regulatory responsibility for Section 106 compliance is with the lead agency for the Federal Action, in this case, the USFS. THE USFS is responsible for consulting with the SHPO and obtaining concurrence regarding the effects and treatment of historic resources. However, the Owner, as project proponent, will assist the USFS by conducting resource inventories, mitigation plans, and agreement documents for the agency's use in its consultation with SHPO. Generally, the Section 106 compliance process requires the following:

1. Identification of the Area of Potential Effect (completed during the environmental impact studies).

2. Identification and evaluation for significance of resources and an assessment of Project affect (completed during the environmental impact studies).

3. Consultation between Federal agencies and Department of Cultural Affairs, State Historic Preservation Office (SHPO) regarding Steps 1 and 2 above (in progress).

4. Development of an avoidance or mitigation plan to address adverse effects to significant resources.

5. Consultation between Federal agencies and SHPO regarding Step 4 above and issuance of excavation permit(s) as needed. .

6. Implementation of mitigation plan - excavation of sites or other studies as needed.

7. Completion of interim report (allows agency to release permit or easement).

8. Completion of final report.

For the known resources, the Owner is responsible through their National Environmental Policy Act (NEPA) contractor for providing the resource studies in Steps 1, and 2.The USFS is responsible for Step 3. The OC will be responsible for assisting the USFS by providing documents in Steps 4 through 8. The USFS will be responsible for Step 5.

The USFS will be responsible for consulting with Native American Tribes and other interested parties as part of their Section 106 compliance.

Completion of Step 7 is necessary before construction activities can precede that will impact the resources. Other activities can proceed while site excavations or studies are in progress. However, it is preferable to mitigate all known adverse impacts before any construction begins so that cultural resource mitigation is not a construction scheduling concern. As agreed to at the Strategic Project Delivery Workshop 2, the OC will investigate and provide cultural data recovery prior to DB construction.

Any newly discovered cultural resources would need to follow a similar process to obtain Section 106 compliance. New discoveries could include buried archaeological remains or unidentified surface sites. An agreement document (mitigation plan) will be developed by the OC with the land management agencies and SHPO to outline the process for treating new discoveries with minimum impact to the Project schedule. As described in the Project's Environmental Risk Memorandum, the Owner is responsible for the risk of new discoveries. The OC will complete any compliance activities needed for new cultural resource discoveries.

To minimize risk associated with delaying or otherwise affecting the construction schedule, the OC will complete and submit a mitigation plan as soon after the initial SHPO consultation as possible.

The DB Contractor will be responsible for implementing the mitigation plan measures. No earth moving will take place in the vicinity of the newly identified resources until mitigation of possible impacts has been addressed.

A7. NEW MEXICO DEPARTMENT OF TRANSPORTATION PERMIT TO INSTALL UTILITY FACILITIES WITHIN PUBLIC RIGHT OF WAY,

Application, Plan Review, and Approval:

Responsibility for Permit Acquisition: OC and DB Contractor

The New Mexico Department of Transportation (NMDOT) requires an "Application for Permit to Install Utility Facilities within Public Right of Way" for all installations of utility facilities on State ROWs. In addition to the "Application for Permit to Install Utility Facilities within the Right of Way", for each jacking and boring (J/B) location included in the BDD Project, an application for approval must be submitted to NMDOT. Therefore, four applications will be prepared by the OC: (1) ROW along NM 599; (2) J/B at Airport Road and NM 599; (3) J/B at NM 599 and Interstate 25 and (4) J/B at NM 599 north of South Meadows Drive.

The applicant (the OC) will be required to prepare each application package according to the following guidelines:

1. No construction may be performed on a State ROW before the utility has received an executed permit from NMDOT. A review timeframe of 30 days (in some cases, NMDOT may review in as little as 10 days) should be allotted.

2. The applicant must submit a separate complete application package for each of the four components including the following items:

    a. The "Application for Permit to Install Utility Facilities within Public Right of Way" form.

    b. A Vicinity Map showing the location of the utility work.

    c. Plan Drawings of the facility, with either profile drawings for parallel installation, or cross sections for each crossing facility. The Plan Drawings for the proposed installation shall include, but not be limited to, the following:

        i. The Plan Drawing must depict roadway features, such as construction centerline, edge of pavement, slope limits, and ROW lines. The Plan Drawing must also include the parallel facility and distances relative to each of the roadway features.

        ii. For crossing facilities, the Plan Drawing must include Engineering Station, angle relative to the construction centerline, and distances relative to the ROW lines pertaining to the facility. Engineering

Stations and corresponding offsets from the centerline should be used to show the position of utility structures, such as poles, closures, etc.

iii. The Plan Drawing must also include all utility facility appurtenances, physical dimensions, and length of encasement(s), if applicable.

iv. A profile drawing depicting the profile grade of the facility, including all appurtenances, physical dimensions, and the length of encasement(s), if applicable.

v. The cross-section drawing must reflect the ROW lines, the full cross-section within the existing or proposed ROW, including elevation at the lowest point in the ROW, the roadway typical section (including finished grade elevation at the centerline(s), and location of the utility facility and casing or the clearance relative to the above features).

vi. The drawings shall include any attachments to highway structures, if applicable.

vii. Each drawing should be submitted on 8 ½" x 11" paper, unless this is not feasible, then 11" x 17" paper may be used. Information, including utility owner's name, date, drawing scale, county, and north arrow must be included.

d. An approved Traffic Control Plan, archeological and Environmental Clearance documentation, and/or proof of compliance with the NPDES Permit for Construction Activities must accompany each permit.

e. The appropriate insurance coverage must be secured and documents submitted with the application.

3. Upon receipt of the approved permit, the applicant shall notify NMDOT in writing within 48 hours of the utility installation date. The installation is subject to inspection by NMDOT at any time.

4. The applicant shall also notify NMDOT upon completion of the project within 48 hours. The installation is subject to inspection by NMDOT at any time.

5. The applicant shall submit record or as-built plans to NMDOT within 30 days after completion of the project. The as-built plans must be stamped by a registered NM Land Surveyor, with elevations provided every 500 feet and at all survey break points (including all high and low points).

In summary, the OC should submit for the approval process at least 30 days prior to any utility installation within a State ROW. The NMDOT will review each application within 30 days and provide written approval/rejection to the applicant. 48 hours before construction commencement, the OC must notify the NMDOT. Likewise, the NMDOT must be notified within 48 hours of construction completion. Lastly, the OC must submit as-built drawings within 30 days of project completion.

To minimize risk, whether it is delays in DB Contractor mobilization, re-design, etc., it is paramount that the OC follows the guidelines and timeframes set forth by the NMDOT for this process.

The NMDOT permitting process shall be divided into two phases. The first phase consists of the OC submitting the plan alignment of the pipeline with the required survey documentation after preliminary design. The second submittal consists of follow up documentation with the remaining pipeline elements (plan and profile, traffic control plan, utility crossings, etc) and the three J/B applications. The follow up documentation must be submitted by the DB Contractor after Final Design. Phasing this application aids in eliminating the risks associated with the DB Contractor not being able to negotiate the ROW along the controlled access highway, as well as lessening the potential for claims for change order and increased costs and extended schedule by the DB Contractor.

A8. NEW MEXICO ENVIRONMENT DEPARTMENT AIR QUALITY BUREAU PERMITTING, *Application and Approval:*

Responsibility for Permit Acquisition: OC

The NMED Air Quality Bureau (AQB) requires permitting of all combustible sources under 20.2.73 NMAC. The BDD Project will have standby generators located at the WTP and thus the plant is subject to this requirement. The backup generators will operate less than 500 hours per year or be used solely to provide power when there is a loss of commercial utility power. Therefore, this source is considered exempt and an "Air Quality Notice of Exemption" must be filed with the AQB. This form provides a means to notify the AQB of such exempted sources. No fee is required for submitting this form.

In summary, the WTP design should not incorporate standby generators that will be anticipated to operate more than 500 hours per year. OC should submit for the approval process after the preliminary design is completed and operational parameters stipulated to the DB Contractor for the standby generator. The AQB will review the Notice of Exemption, but will not provide written approval to the applicant. Therefore, upon submittal of the Notice of Exemption, no further action will be required by the OC.

In addition, any of the treatment processes identified by the OC during preliminary design need to be evaluated as whether a permit will be required for the operation of that process. For instance, an additional item that should be considered for permitting through the AQB would be the ozonation process at WTP. If ozone is selected for water purification at the WTP, a New Source Permit (Part 72 Application) may be required for the BDD Project. However, since the majority of modern ozonation processes incorporate destruction capabilities (where ozone is broken down into oxygen), the emissions from the process may not be in excess of the 1-hour National Ambient Air Quality Standard of 0.12 parts per million. The AQB recommends a consultation with the OC prior to final design of the WTP if an ozonation process is selected for water purification. At this consultation, the OC shall provide theoretical emissions calculations and/or modeling results to determine if a New Source Permit will be required for the WTP based upon the design and equipment selection. The Santa Fe County LUD also requires an air quality management plan in the event air quality is impacted by the projects. The AQB documentation will be used to satisfy the LUD as necessary.

To minimize risk, it is paramount that the OC follows the guidelines and timeframes set forth by the NMED AQB for this process.

A9. NEW MEXICO ENVIRONMENT DEPARTMENT DRINKING WATER BUREAU APPROVAL OF CONSTRUCTION OR MODIFICATION OF EXISTING PUBLIC WATER SUPPLY SYSTEM, *Application, Plan Review, and Approval:*

Responsibility for Permit Acquisition: OC and DB Contractor

The NMED Drinking Water Bureau (DWB) requires an "Application for Approval of Construction or Modification of Existing Public Water System," as mandated by the federal Safe Drinking Water Act and the NM Drinking Water Regulations.

To facilitate the accelerated timeline of the BDD Project, DWB will accept the plans from the applicant (the DB Contractor) in multiple submittals:

1. Diversion structure, raw water lift station, diversion support facility building – as the Final Plan Set
2. Sediment removal facility and Booster Station 1A - as the Final Plan Set
3. Booster Station 2A – as the Final Plan Set
4. Water Treatment Plant – in three stages:
    a. Stage 1: Overview, Civil, and Foundation and Below-Grade Structures

b. Stage 2: Buildings, Above-Grade Structures, Architectural, Mechanical and Equipment

c. Stage 3: Electrical and Instrumentation

Plan sets for the transmission/distribution pipelines will not require DWB review/ approval if the drawings are stamped by a New Mexico registered Professional Engineer.

For the water treatment plant, each "staged" submittal will build upon the information included in the previous submittal. This stream-lined process will allow for quicker reviews from the DWB, and will allow the DB Contractor to submit for approval at a pace matching their design pace to allow early construction start. The DB Contractor is responsible for this permit and be given the flexibility to work with DWB during the design process to further determine the WTP package contents. Furthermore, the OC will have a consultation with the DWB to discuss the preliminary WTP design to obtain pre-approval by the DWB. After this consultation, the DB Contractor will complete the remaining acquisition tasks per the requirements outlined herein. The OC will also be responsible for providing some Owner information for the permit application(s).

The applicant (the DB Contractor) will be required to prepare each application package according to the following guidelines:

1. To obtain the required DWB approval for a public water supply system project, the application packages for the project will be submitted following the NMCID schedule (as outlined within this plan). The application package shall contain the following:

   a. One copy of the "Application for Approval of Construction of Modification of a Public Water Supply System" form.

   b. Two sets of complete plans and specifications for the project. The plans and specifications must be prepared under the direct supervision of and sealed by a professional engineer registered in NM.

   c. An engineering design summary, which shall include engineering information that sets forth the basis of the project design.

   d. A plan to disinfect the system and sample for the presence of bacterial contamination following completion of the project and prior to providing water to the public. The criteria used by the department to review the adequacy of the plan shall include the Standards for Disinfecting Water Mains, 1999, American Water Works Association; Standards for

Disinfection of Wells, 1997, American Water Works Association; Standards for Disinfection of Water-Storage Facilities, 1992, American Water Works Association; and Standards for Disinfection of Water Treatment Plants, 1997, American Water Works Association.

e. An inventory of existing and planned sources of actual and potential contamination located within one thousand (1,000) feet of the diversion (intake) structure and five hundred (500) feet along the corridor (i.e., river bank). Therefore, a Phase I Environmental Site Assessment will be required for these areas.

2. DWB shall approve an application, approve an application subject to conditions, or deny an application, and shall notify the applicant by mail of such determination within 45 days after filing of a complete application pursuant to these guidelines.

3. DWB may deny an application for a public water system project, in whole or in part, if one of the following is determined:

   a. Any maximum containment level (MCL) set forth at 40 CFR sections 141.11-141.16 and 141.61-141.65 will not be met after completion of the project.

   b. The design of the project is inconsistent with generally acceptable standards for construction of public water systems and their components including, but not limited to, the Recommended Standards for Water Works, 1997, Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers.

   c. The design of the project will not meet project goals.

   d. The public water system does not demonstrate sufficient technical, managerial or financial capacity.

   e. An existing or planned source of actual or potential contamination may adversely impact a water source proposed to be utilized by the system. To make this determination, DWB may require the applicant to submit analyses relating to hydrogeological, soil or ground water conditions at the site, and/or information regarding proposed technology or installation methods that may be employed to prevent or mitigate the impact of the contaminant source on the water source.

4. DWB's approval of an application does not imply a guarantee of any type for the constructed project nor does it relieve the applicant from the responsibility

for the overall integrity of the project, the adequacy of the project's design, or from the responsibility of complying with any of the provisions other applicable state and federal laws or regulations.

5. DWB is not responsible for increased costs resulting from defects in the plans, design drawings and specifications or any other contract documents.

6. The applicant shall notify DWB in writing when work on the public water system project is initiated. DWB may inspect the project during construction and at completion to ensure compliance with the approved plans and specifications.

7. If a public water system project receives approval from DWB but does not commence construction within one year after the date of department approval, the supplier of water must submit a new application to DWB.

8. A construction field change not provided for in a project's approved plans and specifications and that constitutes a material change to the originally approved project design must be approved by DWB before the field change is initiated. In the event that this requirement may result in construction delays, the department may grant verbal approval. If DWB grants verbal approval, the applicant must submit a copy of the completed field change order to the department within 30 days after verbal approval is granted.

9. The supplier of water shall submit record or as-built plans and certification of project completion to the department within 90 days after completion of the project.

In summary, the DB Contractor will submit for the approval process at the same time as submitting the NMCID, during the DB design process. The OC should be responsible for completion of the potential contamination inventory for the DB Contractor's application. The OC will communicate the information to the DWB early to enable timely feedback and gauge risk of approval prior to DB procurement. The DWB will review each application within 45 days and provide written approval/rejection to the applicant. If any design changes (i.e., change orders) occur, the DB Contractor must notify the DWB within 30 days prior to construction. The DB Contractor must submit as-built drawings within 90 days of project completion.

To minimize risk, whether it is delays to the design, mobilization, or construction, it is imperative that the DB Contractor follow the guidelines and timeframes set forth by the DWB (and thus, NMCID) for this process.

A10. NM ENVIRONMENT DEPARTMENT FIELD OPERATIONS DIVISION, LIQUID WASTE PERMIT AND GROUND WATER QUALITY BUREAU POLLUTION PREVENTION SECTION NOTICE OF INTENT FORM,
Application, Plan Review, and Approval:

Responsibility for Permit Acquisition: OC

Permitting will be required for the different waste streams of the BDD Project. The first type will be the graywater waste from each of the booster station restrooms which will be disposed via septic tank and leachfield. The second will be the wastewater from the WTP facilities, which will be disposed via septic tank and leachfield. The third type will be for the WTP operations such as backwashing and removal from solids, this waste will be stored in water retention ponds that may require emergency discharge to land. The fourth will be the process overflow discharge streams at the various BDD Project facilities (Presedimentation Facility, WTP, and Booster Stations). Sanitary sewers are not located near the facilities nor are they planned in the near future. Pumping facilities would be required to convey the wastewater from any of the BDD facilities to the City's wastewater treatment plant on Airport Road.

For the booster stations and the WTP facilities, the design flow is less than 2,000 gallons per day (gpd), and the NMED Field Operations Division (FOD) requires a "NMED Liquid Waste Permit." The permit is a means of informing the FOD that a septic and leachfield are present however a discharge permit is not required. A Liquid Waste Permit will be required for each of the booster stations. The WTP facilities will be larger than the booster stations, however, conservative estimates of wastewater flows based upon the number of employees is well under 1,000 gpd and even with contribution from the laboratory or other sources, the 2,000 gpd limit will probably not be reached. The FOD will review the permit and respond to the permit within one month. This permit will be required prior to installation or construction of the septic tanks and leachfields at the Booster Stations and the WTP. The applicant (the OC) will be required to prepare each application package according to the following guidelines:

1. Completion of a two-page permit application form which includes wastewater sources and design flows.

2. Site information such as depth to groundwater and soil description.

3. System design for the tank and leachfield.

4. Site plan including setbacks and distances to features.

The OC is responsible for completing the Liquid Waste permitting task. The preliminary design will confirm wastewater flows at the facilities and such that the 2,000 gpd flow limit will be placed upon the DB Contractor to eliminate the need to pursue a groundwater discharge permit which would take up to six months.

The plant process waste streams that will be held in retention ponds must be permitted through the GWQB through completion of a "Ground Water Quality Bureau-Pollution Prevention Section Notice of Intent" form. The form is completed to notify the GWQB of a potential source. It should be noted in the NOI that under emergency circumstances the ponds may overflow or be discharged to the ground. The GWQB will review the one page form and notify the applicant (the OC) if a discharge permit will be required for the source.

The applicant (the OC) will be required to prepare each application package according to the following guidelines:

1. General information: name and address of person making the discharge and location.

2. Type of operation generating the discharge, description of the source of the discharge, estimated concentration of contaminants, means of discharge (pond), estimated daily flow rate and estimated depth to groundwater.

To minimize risk, whether it is delays in DB Contractor mobilization, re-design, etc., it is paramount that the OC follows the guidelines and timeframes set forth by the GWQB for this process.

A11. OFFICE OF THE STATE ENGINEER PERMIT TO DIVERT SURFACE WATERS AND PERMIT TO CHANGE PLACE, PURPOSE OF USE, AND POINT OF DIVERSION FOR NATIVE WATERS, *Application, Plan Review, and Approval:*

Responsibility for Permit Acquisition: Owners

The Owners must obtain approval from the NM Office of the State Engineer (OSE) to divert surface water from the Rio Grande for either San Juan-Chama water rights or native Rio Grande water rights. Additionally, the County must obtain approval from the OSE to change the place, purpose of use and point of diversion of water rights purchased but not originally recognized as a Rio Grande water right in the proposed location.

The City and County jointly submitted an Application for Permit to Divert San Juan-Chama Project Water in the State of New Mexico on September 11, 2003. This application is for the entire 5,605 acre-feet per year of San Juan-Chama water rights shared by the City and County. The application was remanded and the OSE has not acted upon the application.

The City and County attorneys and consultants have been and continue to work with the OSE to further the application and this permit responsibility must remain with the

Owners. In the event that the surface diversion permit cannot be obtained by the OSE, the Owners would not be authorized to divert any waters through the proposed BDD facilities. If the County is unsuccessful in transferring water rights to the diversion location, the maximum allowable diversion will be significantly less than the 1,700 acre-feet per year County water demands outlined in the 40-year water plan.

Permits from Local Agencies

A12. SANTA FE COUNTY LAND USE DEPARTMENT, DEVELOPMENT PERMIT APPLICATION, *Application, Plan Review, and Approval:*

Responsibility for Permit Acquisition: DB Contractor

The Santa Fe County Land Use Department (LUD) requires a comprehensive plan review before a "Development Permit" is approved and before construction may begin. LUD is responsible for review and approval of construction plans and the issuance of development permits within Santa Fe County. However, the LUD does not have jurisdiction on State or Federal lands, so permitting for the BDD Project facilities on State or Federal lands will not be required through the LUD.

LUD reviews the plans to verify compliance with hydrology, watershed, and terrain management requirements, including soil and slope stability, erosion control, sedimentation, and water runoff to protect water quality and the natural character of the land, within the State of New Mexico. LUD approvals are typically received within 30 days. All proposed facilities, with the exception of one pipeline segment are located within Santa Fe County, outside the City limits.

The LUD requests a field inspection of the proposed pipeline alignment (for the installations located within Santa Fe County) prior to the development permit application submittal. Using the following guidelines, the applicant (the DB Contractor) will be required to prepare the submittal package with the following elements:

1. General Requirements for each Permit:

    a. A completed Santa Fe County "Development Permit Application."

    b. A Letter of Intent to submit a Development Permit, which should indicate the facilities that will be constructed on federal land. Being on federal land eliminates some general requirements.

    c. Written directions and map to the site (separate from the required building plans).

d. A site plan drawn to scale (separate from those required with the building plans) showing all existing and proposed structures, including septic systems.

e. No buildings are within Urban Wildland Interface area so additional information needed for those areas are not required.

f. Assigned address form from Rural Addressing.

2. Roads, Driveways, Grading, Clearing, Etc.

a. All items listed in Section 1 above, plus the following.

b. Detailed cross section of road.

c. If road is accessing more than one property, notification to all property owners is required.

d. Property slope map and/or terrain management plan for site.

e. For Buckman Road, previously completed engineering study and BLM stipulations to communicate the limitations placed upon the improvements by the federal agencies.

3. Terrain Management

a. All items listed in Sections 1 and 2, plus the following.

b. A topographic map, such as the 7.5 minute series quadrangle maps published by the US Geological Survey, showing the natural features and topography.

c. A plat map and legal description of the property showing the boundaries and legal description (Township, Range, and Section) of the property.

d. An excess storm water detention/retention plan.

e. A soil survey for the development, showing the location of each different soil type, description of each soil type, and areas of severe soil limitations.

f. A clearing and grading plan, showing the finished contours of the development, the location of all cuts and fills, and profiles of the existing ground surface.

g. A revegetation and landscape plan, showing areas of proposed revegetation, trees to be removed/planted, description of methods of revegetation protection, and slope stabilization.

h. A storm drainage and erosion control plan, showing on and offsite drainage and control measures.

i. A construction schedule.

4. Flood Hazard (for the diversion, low-head pump station and compressor building facilities, which will be located within the flood plain)

a. All items previously listed, plus the following.

b. Plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to the flood way, flood fringe, flood plain, and flood hazard area.

c. Elevation in relation to mean sea level of the lowest floor. For the diversion, raw water low-lift pump station and diversion support facility, the finished floor of the structures shall be constructed 1 foot above the Base Flood Elevation, which is the elevation of the water during a 100-year storm event. However, the applicant (the DB Contractor) shall consult with the Santa Fe County Floodplain Manager(s) to discuss construction options, as an exemption may be allowed based upon the flood regulations.

d. Elevation in relation to mean sea level, to which any structure (non-residential) shall be flood-proofed.

e. Flood elevation data adjacent to the proposed development. If Federal Emergency Management Agency (FEMA) flood elevation data is unavailable, such information shall be provided by a registered New Mexico (NM) Professional Engineer.

f. Description of the extent to which any course or natural drainage will be altered or relocated as a result of proposed development.

Upon approval from the LUD, development permit and approved plans must be posted on site for the Project duration.

For the pipeline installation through private property, a development permit must be acquired from the LUD. Easement documentation (refer to B3 for details regarding the private property easement acquisition process) shall also be included in the application

to the LUD for this permit. Any realignment thought private land will require a new development permit from the LUD.

For the pipeline installations through the Extraterritorial Zone, La Cienega Traditional Community, and the Historic Community of Agua Fria, the DB Contractor shall provide an informational session/presentation to the residents, either as a joint presentation or individual community presentation. The(se) presentation(s) shall be held at least 30 days prior to construction.

CDM recommends the DB Contractor consult with the Santa Fe County Floodplain Manager(s) to discuss construction options for the Near River Facilities at least 30 days prior to submittal for LUD approval. CDM also recommends the DB Contractor submit for the LUD application at least 30 days prior construction of the distribution pipelines. The LUD will review each submittal within 30 days and provide written approval/rejection to the applicant. The LUD will also require proof of easement acquisition for the pipeline segment on private land and that an ROW from the County Public Works has been obtained for installing pipelines along the County Roads (Caja del Rio Road specifically). The LUD will also review the application for potential impacts on air quality. The requirements outlined in the NMED Air Quality Permitting sections will satisfy the LUD and should be included with the permit application if applicable. Approval of septic systems by NMED is also required prior to LUD approval.

A fee is required for the permit application and is based upon the Project valuation. A Fire Impact Fee will be required for the structures. The fees cannot be estimated at this time. Construction must begin with one year of issuance of the development permit and the permit is valid for two years. The DB Contractor will have to request an extension from the County in the event substantial completion is not met prior to expiration of the permit.

To minimize risk, whether it is delays to the design, mobilization, or construction, it is imperative that the DB Contractor follow the guidelines and timeframes set forth by the LUD for this process.

A13. CITY OF SANTA FE DEVELOPMENT PERMIT, *Application and Approval:*

Responsibility for Permit Acquisition: DB Contractor

[The City of Santa Fe Planning and Land Use Department approves and oversees construction work within the City Limits. Currently, none of the proposed BDD Facilities are located within the City Limits except for one pipeline segment along NM 599 just east of the airport. In the event the City annexes the area where BDD facilities are proposed, the work conducted for the Project will be subject to City requirements. The OC will confirm these requirements, if any, for the DB procurement documents.

The DB Contractor would be the responsible party for compliance with the City permitting requirements as necessary.]

Part B: Easements

Easements from State Agencies

B1. NEW MEXICO STATE LAND OFFICE APPLICATION FOR RIGHT OF WAY EASEMENT, *Application, Plan Review, and Approval:*

Responsibility for Easement Acquisition: OC

The New Mexico State Land Office (SLO) requires an "Application for Right of Way Easement" for new utility installations across State lands. Two applications for approval must be submitted to SLO, one for each of two locations of the 36-inch pipeline installations (approximately 0.75 mile total) included in the BDD Project.

The OC ("applicant") will be required to prepare each application package according to the following guidelines:

1. The applicant shall submit letters as a written notice of intent to conduct a survey of each proposed location of the ROW. The letter must adequate describe the proposed project including purpose, general location, projected survey schedule and an agreement to hold the State harmless against liability. The right of entry authorization is typically granted by the SLO in under a week.

2. A NM Registered Land Surveyor must prepare survey plats and descriptions for both ROW locations that include centerline descriptions, acreage allocated to 40 acre tracts and the total number of rods required for the ROW. The plats should be no larger than 8-1/2 by 14, and the ROW location should be indicated by a red line.

3. The applicant shall submit two "Application for Right of Way Easement" to the SLO. Each application shall be accompanied by the survey plat and description.

4. A cover letter explaining the need for a ROW must accompany the application, including, the purpose, general location, and projected construction time. This notice shall contain an agreement to hold harmless the SLO against liability for loss of life, personal injury or property damage occurring due to survey activities and cause by the applicant, his employees, and contractors or subcontractors and their employees.

5. The appropriate application fees ($100.00 Application Fee and $75.00 Appraisement Fee) shall accompany the application. A bond of $500.00 per application may also be required.

6. Upon completion of construction within the ROW, the applicant shall file an Affidavit of Completion with SLO.

In summary, the OC should submit the right of entry authorization letter at least 2 weeks prior to surveying activities within the State lands. The applications with the survey plats must be submitted to the SLO a minimum of 2 months prior to initiation of construction activities. The SLO will review each application and provide written approval/rejection to the applicant within 5 to 8 weeks.

To minimize risk, whether it is delays in the bidding process, re-design, etc., it is paramount that the OC follows the guidelines and timeframes set forth by the SLO for this process.

Easements from Local Agencies

B2. SANTA FE COUNTY PUBLIC WORKS DEPARTMENT APPLICATION FOR RIGHT OF WAY, *Application, Plan Review, and Approval:*

Responsibility for Easement Acquisition: DB Contractor

Per the Santa Fe County Ordinance, 2003-01, constructing a pipeline with a ROW for a County Road requires an application and approval from the Santa Fe County Public Works Department. Caja del Rio Road is a County Road and the distribution pipelines planned along Caja del Rio Road will be within the road ROW. A portion of this ROW is within State Lands also and must be permitted by both agencies.

The permit application requires general information for the DB Contactor including licensing, insurance and bonding information; a video of the ROW prior to disturbance to establish pre-existing conditions; traffic control plan; dates of construction; and dimensions. The application also requires a $15,000 bond be on file with County Public Works for the duration of the work. The fees associated with the application are $75.00 per 600 feet of ROW. The work along this ROW, as well as all others, will require revegetation as a stipulation of the ROW. Per the ordinance, the application will be reviewed and processed within five days.

Because of the required information and bonding requirements, this ROW will be obtained by the DB Contractor. County Public Works staff indicated there is little risk this ROW will not be obtained as long as the application is completed correctly and the DB Contractor meets the requirements of the ordinance.

Easements from Private Property Owners

B3. EASEMENTS THROUGH PRIVATE PROPERTY, *Appraisal, Negotiation, and Agreement:*

Responsibility for Easement Acquisition: OC

One portion of the distribution pipeline from the water treatment plant must cross private property within Santa Fe County and the extraterritorial zone of the City. The size of the pipeline, between NM 599 and the Santa Fe River, will be determined during preliminary design. Currently, the proposed pipeline alignment is along an undeveloped and un-maintained dirt road without an engineered or constructed Santa Fe River Crossing. Driving across the river bed is necessary to access this dirt road. Prior to the pipeline installation, a permanent easement and a temporary construction easement must be obtained from the Owners. According to the Santa Fe County Tax Assessor records, there are four properties that require easement acquisition:

1. Property No. 1:
    a. Location: South of and adjacent to NM 599, on the east side of Meadows Drive
    b. Owner: Javier and Rosalee Juarez
    c. Parcel Size: 8.7 acres
2. Property No. 2:
    a. Location: Adjacent to the southern portion of the Juarez property, on the east side of Meadows Drive
    b. Owner: Paul Peppard
    c. Parcel Size: 1.5 acres
3. Property No. 3:
    a. Location: Adjacent to the southern portion of the Peppard property, on the east side of Meadows Drive
    b. Owner: Rodrick Leeder
    c. Parcel Size: 3.93 acres

4. Property No. 4:

    a. Location: North of and adjacent to Agua Fria Street, on the east side of Meadows Drive

    b. Owner: James and Jodie Leeder

    c. Parcel Size: 2.78 acres

The applicant (the OC) shall follow the guidelines below for obtaining the easements through each property:

1. A preliminary visit by the OC be conducted to meet the property owner, describe the project, the need for the easements, and to answer initial questions. If initially agreeable, the owner will want to know where the easement will be, how wide it will be, what rights the owner has to use the land upon which the easement will sit, and whether the easement will impede access or destroy improvements.

2. The parcel shall be surveyed by a registered NM Land Surveyor.

3. The applicant shall prepare a drawing showing the entire parcel and the location of the easements (both permanent and temporary). The widths (minimum of 10 feet per Santa Fe Land Development requirements), lengths and bearing of easement centerlines shall be included. It is important to consider the width of the temporary easement to ensure ample room for storing the pipe, trench overburden, construction contractor's vehicle traffic, etc. The drawing and legal descriptions shall be sealed by a registered NM Land Surveyor.

4. The property owner will want to be paid for the permanent and temporary easements. A cost must be negotiated. Completion of a property valuation assessment will provide a guide for negotiations.

5. When the easement and price are agreed to, an instrument describing the agreement must be recorded. The use of a title company should be considered.

Upon approval by the property owner, which may take several months and recording of the instrument, construction may commence. The completion of these easements will be a required component for the Santa Fe County LUD permit as well.

CDM recommends that the OC be responsible for obtaining this permit. Unless a separate agreement has been developed with the property owners it is imperative that the applicant (the OC) does not alter the permanent easement or perform construction

activities outside the permanent and temporary easement boundaries. The OC proposes to work with the appropriate Santa Fe County personnel to complete the necessary valuations and negotiations.

Part C: Other Requirements

Requirements from Federal Agencies

C1. BUREAU OF LAND MANAGEMENT PLAN OF DEVELOPMENT AND US FOREST SERVICE OPERATIONS REPORT, *Addenda and Revisions:*

Responsibility for Completing Requirement: OC and DB Contractor

In combination with the BLM and USFS ROW, Special Use Permit and Temporary Use Authorizations (Permit A2), a Plan of Development and Operations report (hereinafter referred to as POD) is required. A POD is always required for projects that require an EIS and/or are large in scope. BLM and USFS requested a POD for this project for use in preparing the EIS and a draft POD was prepared and submitted on February 13, 2002. Prior to the February 2002 submittal, Las Campanas completed an individual POD for their facilities and the diversion facilities. The POD was conceptual in nature and did not include much of the required information as it was unavailable. A significant portion of the requested information requires the completion of near final design. Feedback from the BLM on the Las Campanas POD indicated many pieces of information were missing or incomplete. Although the draft POD submitted in February 2002 was more complete, much of the same information was missing. As such, amendments to the POD will be necessary. Some of the required information will be mandated through stipulations to the ROW and therefore may be discussed twice in this permitting plan. The following information is expected to be included in an amending submittal:

1. Traffic control plan. This will be a stipulation of the ROW.

2. Comprehensive safety plan. This will be a stipulation of the ROW.

3. Roadway improvements. The draft was completed prior to the road improvement study and thus does not include adequate detail.

4. Identify the locations of all utilities, safety valves and appurtenances for all pipelines, electric and other facilities. This will be determined by final design.

5. As-built drawings.

6. Identification of means of controlling access to within temporary use areas. This includes fencing at water treatment plant and other facility sites and flagging along roadway and pipeline corridors.

7. Copy of City, County, and Las Campanas agreements for construction and operation and maintenance of facilities.

8. Legal description for all facilities and pipeline and roadway corridors. This cannot be finalized until preliminary design is complete.

9. Erosion control methods during construction must be identified. This will be part of the SWPPP that will be stipulated with the ROW and the responsibility of the DB Contractor during construction.

10. Temporary use areas, truck turn around areas and their legal descriptions must be identified. This must be done prior to acquiring the ROWs and will limit the areas that the DB Contractor can disturb.

11. Indicate that agencies will be named as insured on any liability policies.

12. Submittal of a spill prevention and control plan. This will be a stipulation of the ROW.

13. Submittal of a fire prevention plan. This will be a stipulation of the ROW.

14. Identify beneficial reuse of trees. This will be a stipulation of the ROW.

15. Submit a landscaping plan to protect existing trees and provide for rehabilitation of disturbed areas.

A substantial amount of the documentation cannot be completed until final design and will be the responsibility of the DB Contractor through compliance with stipulations of the ROWs. With the exception of temporary use areas and surveying of legal descriptions, the information identified above does not require completion until just prior to initiating construction. The temporary use areas and surveying of legal descriptions must be completed prior to issuing the ROW way documents as described earlier in this document.

All documentation to the agencies for the POD requirement, tracking and submitting the amendments to the POD and stipulated documentation, and continually assess compliance is the responsibility of the OC. The OC will also provide independent monitoring of the DB Contractor and communication with the agencies throughout the course of construction and restoration activities. The DB Contractor will be responsible for ultimately complying with the requirements; the OC has authority to enforce compliance when the DB Contractor is not meeting the stipulations.

C2. BUREAU OF LAND MANAGEMENT AND US FOREST SERVICE VISUAL MANAGEMENT OBJECTIVES, *Plan:*

Responsibility for Completing Requirement: DB Contractor

To protect the quality of the scenic (visual) values of the BLM and USFS lands, design of the facilities must incorporate recommendations from the federal agencies. Building color, architecture, building and roofing materials, building heights, fence coatings and other visible material aspects will be coordinated with the visual management staff for each agency. The DB Contractor is directly responsible for coordinating the selection of these materials, colors, finishes, etc. with the agencies during final design. The visual management objectives will require a design plan submitted by the DB Contractor through the Buckman Diversion Board to the USFS for review. This review process will take 30 days and will analyze whether the plan met the requirement for visual management objectives in the EIS. It is recommended that a preliminary design plan be submitted to streamline the process.

C3. US FOREST SERVICE NATIVE PLANT REVEGETATION MITIGATION PROGRAM AND HABITAT LOSS MITIGATION, *Plan:*

Responsibility for Completing Requirement: OC and DB Contractor

Revegetation and restoration of temporary construction areas and disturbed ROW will be required as stipulations of easement agreements with the BLM, USFS, Santa Fe County, SLO and NMDOT. The restoration is also related to the SWPPP required under the CWA (Permit A3).

The OC will include development of a revegetation plan in the DB documents as a responsibility of the DB Contractor. The requirement for the DB Contractor to develop a revegetation plan be included in DB procurement and contract documents. The DB Contractor will be required to consult with each of the agencies and obtain concurrence to assure compliance with each agency's requirements. The revegetation plan should be developed in conjunction with BDD Project design.

Additionally, the USFS will require improvement or restoration of habitat (possibly including off-site areas) to mitigate permanent habitat impacts from the BDD Project. The mitigation area will be equal or greater than the areas permanently displaced by permanent facilities (diversion, sedimentation ponds, booster stations, treatment plant). Habitat loss mitigation will take place after the area of permanent loss can be determined – after final design or after construction. Continuing consultation with the USFS will determine responsibility for long-term maintenance. The habitat restoration, as outlined in the Final EIS including removal of non-native plants, planting of more favorable plants, and other specific tasks to be determined. The OC or the City, perhaps in cooperation with other open space or restoration work planned around Santa Fe, will be responsible for completing required habitat loss mitigation.

C4. INVASIVE PLANT SPECIES MITIGATION, *Compliance:*

Responsibility for Completing Requirement: DB Contractor

A 'Weeds' EIS and Record of Decision were issued in September 2005 by the Santa Fe National Forest pursuant to the Forest and Lands Management Act of 1976, the National Forest Management Act, and the FLPMA, adopted in 1976. For BLM lands, Executive Order 13112 Invasive Species along with the National Invasive Species Council's National Management Plan for Invasive Species applies to the proposed project. The NMDOT also has guidelines for controlling the spread of noxious weeds within their rights of way. To comply with these requirements, an Invasive Weeds Management Plan will be developed that incorporates the best practices for weed and invasive species control and addresses the control, containment, or eradication of invasive plant species throughout the project.

All weed control methods for the BDD Project would be compliant with the stipulations and guidelines presented in the Weeds EIS Record of Decision, the National Management Plan for Invasive Species, and the USFS/BLM POD. Proposed mitigation to conduct, prior to construction, a survey for invasive plant species and, where found, their eradication would serve to minimize or prevent establishment of invasive plants due to construction-altered habitat on USFS and BLM land. No additional items or permits are required other than production of final design and Final EIS, and the USFS/BLM POD with provisions for invasive plant control on project disturbed lands within the Santa Fe National Forest and BLM.

Once the BDD EIS is finalized the USFS and BLM will review for compliance with the 'Weeds' EIS, the National Management Plan for Invasive Species, and the USFS/BLM POD. The USFS usually requires 30 days to complete the environmental review and paperwork processing for the final EIS, but the 'Weeds' EIS item is also a stipulation of the USFS Special Use Permit. All items relating to the permit would likely be reviewed concurrently within the same 30-day period. The BLM would also likely require 30 days to review all documentation for compliance with invasive species control. All project construction areas on USFS and BLM land would be subject to invasive plant mitigation guidelines.

In summary, the USFS will complete the review of invasive plant species mitigation per USFS 'Weeds' EIS guidelines and the BLM will do the same per National Management Plan for Invasive Species guidelines once the BDD EIS and the USFS/BLM POD are finalized. The OC will provide requirements in DB Procurement and Contract documents. The DB Contractor will be required to implement the invasive species and weed control measures outlined in the plan.

C5. SOIL PROTECTION MITIGATION TECHNIQUES, *Plan:*

Responsibility for Completing Requirement: DB Contractor

Soil loss mitigation covers a wide array of regulations. Although no specific permits or review is required for soil mitigation alone, it is indirectly tied to a number of other permits and plans that will be reviewed for the project. Statements for soil protection stipulations and best management practices can be found in the BLM and USFS ROW and Special Use Permits (Permit A2), USACE CWA Section 404 Permit (Permit A1), and NPDES permits for construction (Permit A3).

Soil protection mitigation techniques are general construction practices meant to control the loss of surface topsoil due to erosion. This occurs when surface vegetation and cover is disturbed and/or removed due to construction related activities. All construction areas for the proposed Project would be subject to these techniques including but not limited to mulch and scatter trees, lop and scatter large diameter branches and tree trunks, silt fencing, and gabion mats for mitigating soil erosion and promoting reestablishment of plant cover.

The OC will include development of a Soil Protection Plan/SWPPP in the Project Manual as a responsibility of the DB contractor. The DB will consult with each of the agencies and obtain concurrence to assure compliance with each agency's requirements. The Soil Protection Plan/SWPPP will be developed by the DB Contractor in conjunction with BDD Project design.

C6. ENDANGERED SPECIES ACT AND REGULATIONS CONCERNING SPECIAL STATUS SPECIES AND MIGRATORY BIRDS, *Compliance:*

Responsibility for Completing Requirement: OC and DB Contractor

The United States Fish and Wildlife Service (USFWS), the New Mexico Department of Game and Fish (NMDGF), and the New Mexico State Forestry Division (NMSFD) require agency coordination and/or consultation for any listed special status species that could be impacted by the BDD Project. In particular, these agencies are concerned about construction activity that could adversely impact or result in the take of special status species listed in Section 3 of the EIS. For example, formal consultation with the USFWS is required for the Project to analyze potential impacts to the Rio Grande silvery minnow (RGSM), a federally endangered species. It gives that agency the opportunity to provide comments and mitigation guidelines to minimize adverse impacts (if indeed they are adverse) to the RGSM.

The applicant (the OC) will be required to facilitate communications with these agencies to meet regulatory statutes for special status species according to the following guidelines:

1. Endangered Species Act of 1973: Requires federal agencies to obtain information from the USFWS regarding any species, listed or proposed for listing that could be affected by the proposed project. Section 7(c) consultation is required with the USFWS to determine the impacts and mitigation for federally listed special status species. Once a biological assessment (BA) is submitted to the USFWS, a review timeframe of between 30 and 135 days should be allotted. The number of species impacted and the severity of the impacts will dictate the time it takes for the review.

2. New Mexico Wildlife Conservation Act of 1978: NMDGF will review the Final EIS and make determinations on state level special status species at that time. Additional comments may be submitted by NMDGF if new concerns are raised. Once Final EIS is submitted, a review timeframe of 30 days should be allotted. NMDGF could review in as little as 15 days depending on project urgency.

3. New Mexico Endangered Plant Species Act Section 75-6-1 et seq. is administered by the New Mexico State Forestry Division (NMSFD) within the New Mexico Energy, Minerals, and Natural Resources Department. The NMSFD will review the Final EIS and make determinations on state level special status species at that time. Additional comments may be submitted by NMSFD if new concerns are raised. Once Final EIS is submitted, a review timeframe of 30 days should be allotted.

4. Migratory Bird Treaty Act of 1918 (MBTA): Administered by the USFWS, this Act provides protection of migratory birds from harassment, harm, or harvest. The Draft EIS recommends a preconstruction survey by a qualified biologist. Nests found between April and July in project construction areas require waiting until chicks fledge. If the construction schedule will not allow waiting for the nest to become inactive, the contractor can apply for a take permit from USFWS. Removal of unused nests found between August and March does not require a USFWS take permit. Unless a take permit is required, Final EIS, MBTA, and general USFWS monitoring guidelines for nesting migratory birds will apply. The USFWS will review the migratory bird protection plan and a review timeframe of 30 days should be allotted.

5. The Middle Rio Grande Collaborative Program is a cooperative effort meant to develop a long-term strategy that would assist in the conservation and recovery of the southwestern willow flycatcher and Rio Grande silvery minnow, while protecting existing and future water uses. The USFWS, Bureau of Reclamation (BOR), USACE, Bureau of Indian Affairs (BIA), City of Albuquerque, Middle Rio Grande Conservation District (MRGCD), Interstate Stream Commission (ISC), NMDGF, and the Alliance for the Rio Grande Heritage are all members of the program. Information from the BDD Final EIS

concerning project impacts to these special status species will be shared with the Collaborative Program prior to the start of project construction activities.

6. USFWS Coordination Act Report (CAR): The CAR is essentially a document that is produced internally by the USFWS for the project. The CAR has been drafted and will be finalized after the Final EIS. While the Endangered Species Act (ESA) Section 7(c) review deals with special status species, the CAR deals with all species for the project regardless of status. The USFWS will review the CAR immediately following completion of the Final EIS. Issues may be raised by USFWS prior to construction activities concerning species impacts from the BDD Project. USFWS would include mitigation guidelines for construction activities to address these concerns, if any.

7. Upper Rio Grande Basin Water Operations Review and Environmental Impact Statement (URGWOPS): Is a cooperative effort meant to develop a long term strategy that would assist in monitoring impacts to aquatic species from water operations in the upper Rio Grande Basin. The BOR, USACE, and ISC are all partners in this collaborative effort. BDD mitigation measures will be reviewed relative to the most current version of the URGWOPS EIS to assure compliance with URGWOPS environmental commitments.

In summary, the Owner's NEPA Consultant will submit the Biological Assessment for ESA Section 7(c) consultation with the USFWS during preparation of the EIS. The USFWS will issue a Biological Opinion prior to issuance of the BDD Final EIS. The NMDGF will review the EIS for special status species concerns concurrently with the USFWS coordination (prior to the Final EIS).

The OC will develop an Environmental Resources Plan, as part of the Project Manual, which will outline compliance with the Biological Opinion's commitments, the MBTA, and any other wildlife concerns raised by permitting agencies. The OC will review the URGWOPS EIS to make sure that the Environmental Resources Plan is consistent with the URGWOPS environmental commitments. The USFWS, NMDGF, USFS, BLM, and NMDOT will be given opportunity to review the plan for compliance with each agency's guidelines. The Plan will be completed prior to procurement of the DB Contractor and will be shared with the Middle Rio Grande Collaborative Program. DB Contractor requirements for Special Status Species compliance will be included in the DB Procurement and Contract documents.

Requirements from State Agencies

C7. NEW MEXICO ENVIRONMENT DEPARTMENT CONSTRUCTION PROGRAMS BUREAU, *Plan Review and Approval:*

Responsibility for Completing Requirement: OC and DB Contractor

The mission of the NMED Construction Programs Bureau (CPB) is to make publicly funded loan and grant program funds available to New Mexico local governments; to manage the timely construction and administrative completion of publicly funded water, wastewater, and solid waste projects; and to ensure that projects are environmentally sound, of high quality, and free of waste, fraud, and abuse. If funding sources for the BDD include any of the funding programs administered by NMED CPB, for example, New Mexico Special Appropriations Program and EPA's State and Tribal Assistance Grants (STAG). Funding from the Drinking Water Revolving Loan Fund is administered by the New Mexico Finance Authority. In order to receive funding through the CPB, which is distributed on a reimbursement basis, the BDD project must comply with the requirements in the grant agreement:

Upon execution of the grant agreement, the grantee will follow the procedures listed below unless waived in writing by NMED (payment by NMED may be withheld if any of these procedures is not followed by the grantee).

- The grantee must submit copies of all executed contracts entered into by the grantee prior to this grant agreement that are related to the project to NMED for review and, if necessary, approval.

- Grant funds used for engineering and/or other professional services, the grantee must submit documentation regarding the hiring process to be used and the Request for Proposals (RFP), if applicable, to NMED for review and approval **prior to** selecting engineering and/or other professional services. An RFP for engineering services and/or other professional services must be performed in compliance with the New Mexico Procurement Code [Sections 13-1-21 et seq. NMSA 1978]. If, for any one circumstance, engineering fees will exceed $25,000, excluding gross receipt taxes, the Grantee is also required to contact the Professional Technical Advisory Board (PTAB) for assistance in the preparation of the RFP package. (PTAB: phone (505) 881-1257, fax (505) 830-1670, and e-mail ptab@acecnm.org.)

- Grant funds used for engineering and/or other professional services, the grantee must submit a draft form of any engineering agreement and/or other professional services contract, or a letter certifying that the grantee's staff will be used for design, to NMED for review and approval **prior to** executing the agreement/contract or using grantee's staff.

- A preliminary engineering report (PER) or study by a registered New Mexico Professional Engineer may be required. The BDD Feasibility Study was submitted to CPB for review and it fulfills the requirement for a PER.

- Grant funds used for engineering design or for construction, the grantee must submit all plans, specifications, and any addenda for this project (prepared by a registered New Mexico Professional Engineer) to NMED for review and approval **before** the project is advertised for construction bids.

- The grantee must submit all work related to easements, rights-of-ways, other property rights, and financing provisions associated with the project to NMED for review **prior to** advertising for construction. The grantee must certify in writing that this has been done prior to award of the construction contract. A site certificate addressing the property upon or through which the facility is being constructed and prepared by the grantee's attorney may be required.

- The grantee must submit the recommendation of award, certified bid tabulation, a copy of bid bond for the selected contractor and evidence of full project financing to NMED for review and approval **prior to** awarding the contract. Grantee will not award the contract until NMED has concurred with the award in writing. Competitive bidding, in accordance with applicable state laws (including local wage determinations as provided for in Section 13-4-11 NMSA 1978), will be used for awarding construction contracts. Contracts will be awarded to the responsive bidder who submits the lowest acceptable bid, or as provided for by State Law.

- Following NMED approval of the proposed award, the grantee will submit the notice of the award or the minutes of meeting in which award was made, the notice of a pre-construction conference, a copy of the executed construction contract documents (including payment and performance bonds), and the notice to contractor to proceed to NMED for review. The selected contractor will be required to post a performance and payment bond in accordance with requirements of Section 13-4-18 NMSA 1978.

- The selected contractor will be required to submit a construction schedule to the grantee at the pre-construction conference.

- The grantee will submit all modifications to plans and contract by change orders to the NMED project manager promptly for review and approval **prior to** implementation of such modification or change. The decision by NMED will be rendered promptly in writing to the grantee. In cases necessitating immediate action, a verbal decision will be rendered by NMED and followed by a written confirmation to the grantee.

- The grantee will provide a full-time construction inspector during construction of the project. The grantee may be required to submit the inspector's résumé to NMED for review and approval.

- Notwithstanding the inspections performed by the grantee and its engineer, NMED will have the right to examine all installations comprising the project, including materials delivered and stored on-site for use on the project.

- NMED may require proof of deposit and/or applicable proof of payments to contractors and consultants, including the disbursement of funds other than those described in Article 1 of the grant agreement.

- The grantee (or the system owner) will employ qualified utility operators and will comply with all provisions of the New Mexico Utility Operators Certification Act, Section 61-33-1 et seq. NMSA 1978.

- If the grant funds are to be used for construction of wastewater collection lines or water distribution lines, the grantee will assure NMED that the existing population will connect to the collection system or distribution system within reasonable time after project completion. This will be accomplished by adoption and annual review of an ordinance and user charge system or other legal documents or other official act requiring such connection to the system, to the extent permitted by law.

Additionally, projects that receive Federal funds through NMED CPB are required to prepare the State Environmental Review Process (SERP) documentation. The EIS completed for the BDD Project may be acceptable to NMED CPB to fulfill the SERP requirement, although coordination between the US Forest Service and NMED CPB would be required. Any additional work to complete the SERP documentation will be the responsibility of the DB Contractor.

One final requirement is that the applicant shall conduct a Public Meeting (if deemed necessary by CPB) SERP. A notice of the hearing shall be mailed to all agencies on the consultation list and all parties on the project mailing list, posted in the community, and published in the newspaper 45 days (may be reduced to 30 days with CPB approval) prior to the hearing. The notice shall contain an agenda for the meeting and a description of the purpose. A copy of the notice, certification of publication, and a list of posting locations shall be provided to the CPB. The applicant shall maintain and provide copies to CPB of a sign-in sheet with names and address of attendees to be used for future consultation (i.e., project mailing list), provide a transcript of the hearing, and prepare a responsiveness summary of the comments received and action taken to address those comments.

C8. NEW MEXICO FINANCE AUTHORITY, *Application for Funding, Plan Review and Approval*

Responsibility for Completing Requirement: OC and DB Contractor

The BDD may apply for funding from the Drinking water Revolving Loan Fund (DWRLF). The purpose of the DWRLF is to improve and protect drinking water quality and public health by providing community water systems in New Mexico with low-cost financial assistance in the construction and rehabilitation of necessary drinking water facilities. The DWRLF is capitalized from EPA grants and matched with state funds. Responsibility for program administration is divided between the New Mexico Finance Authority (NMFA) and the NMED Construction Programs Bureau (CPB).

The process for obtaining funding from the DWRLF has nine steps:

1. Meet with the NMFA to discuss the BDD Project and funding through the DWRLF.

2. Submit an application which includes a budget, financial audits of the water system revenues and expenses, an Accounts Receivable Aging Report and a report in the existing indebtedness of the water system.

3. Attach resolutions from the City Council and the County Commission to the application which shows that the appropriate officials have reviewed the proposed project and approved the submission of the application. The NEPA Record of Decision (ROD) should also be attached to the application.

4. The NMFA staff conducts a financial analysis which includes 1) water rates to determine whether they are adequate to cover the present expenses and the proposed water project; 2) past financial audits to determine revenue flow and expenses; 3) equipment repair and replacement schedule; and 4) annual median income of water system customers.

5. The NMFA Board meets monthly and reviews applications for DWRLF. Upon approval of the project by the NMFA Board, a letter of commitment will be sent to the applicant spelling out the approved loan amount, length of the loan, and the interest rate offered. The loan is contingent on completing the Environmental Review Process, which is administered by the NMED CPB.

6. The applicant (OC) is required to submit a Preliminary Engineering Report (PER). Preliminary discussion with the NMED CPB suggested that the requirement for a PER has been fulfilled by the Feasibility Study previously submitted.

7. The applicant must also submit an Environmental Information Document (EID). Preliminary discussion with the NMED CPB suggests that the EIS that has been completed for the project will meet the requirement for the EID, although coordination with the US Forest Service on the Finding of No Significant Impact would be required. The CPB project managers will document the NEPA review process and maintain the record in the project files. Project files will be maintained in the CPB office until the project is complete, all final documents have been received, and the project is officially closed. A Public Meeting (if deemed necessary by CPB) and least one Public Hearing will be held to review the PER and EID. A notice of the hearing shall be mailed to all agencies on the consultation list and all parties on the project mailing list, posted in the community, and published in the newspaper 45 days (may be reduced to 30 days with CPB approval) prior to the hearing. The notice shall contain an agenda for the meeting and a description of the purpose. A copy of the notice, certification of publication, and a list of posting locations shall be provided to the CPB. The applicant shall maintain and provide copies to CPB of a sign-in sheet with names and address of attendees to be used for future consultation (i.e., project mailing list), provide a transcript of the hearing, and prepare a responsiveness summary of the comments received and action taken to address those comments.

8. When the Environmental Review Process is complete, the NMFA accepts the documents, authorizes closing of the loan, and sets the closing date. Funds are made available for reimbursement upon closing. Following the closing, the NMFA will release funds upon approval of submitted reimbursement requests by the NMED CPB and NMFA.

9. Before construction can start, the NMFA requires the following:

    a. OC must submit plans and specifications as well as bid documents need to be approved by NMED CPB and NMFA prior to opening the bids.

    b. Plans and specifications will also need to be approved by the NMED Drinking Water Bureau prior to construction.

    c. NMED CPB will attend the pre-bid meeting to address federal compliance requirements with the six good faith efforts related to Small, Minority and Women's Business Enterprises (MBE/WBE).

    d. A recommendation of award including bid tabulations needs to be submitted to NMFA for approval.

e. Once the award is approved a pre-construction conference will be scheduled, where NMED CPB will address the reimbursement and change order procedures.

f. NMFA recommends that the Notice to Proceed be issued at the pre-construction conference.

The DB Contractor is responsible for maintaining current plans and specifications with the NMED CPB and NMFA.

C9. NEW MEXICO ENVIRONMENT DEPARTMENT, SURFACE WATER QUALITY BUREAU, *Permit Certification*

Responsibility for Completing Requirement: OC and DB Contractor

The Federal Water Pollution Control Act Amendments of 1972, as amended in 1977, became commonly known as the Clean Water Act (CWA). The Act established the basic structure for regulating discharges of pollutants into the waters of the US. Two sections of the Clean Water Act require the acquisition of permits for the BDD Project. Section 402 of the Clean Water Act provides that discharges to waters of the United States (US) must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The US EPA Region 6 is responsible for issuing NPDES permits in New Mexico that specify the amount and concentration of contaminants a permittee may discharge to a surface waterbody. Section 404 of the CWA addresses sediment discharges associated with dredge and fill operations, including those associated with utility projects.

Both the EPA and USACE have "general" permits (called "nationwide" permits by USACE) to permit categories of discharges that have insignificant impacts to reduce paperwork and processing times because they don't require an individual permit for each project. For construction activities, this permit is titled "NPDES General Permit for Storm Water Discharges from Construction Activities." The USACE Nationwide 12 Permit (NWP 12) applies specifically to utility projects. Currently, NMED must certify that the NPDES permit will protect New Mexico water quality standards. The NPDES permit for sediment return will be an individual permit.

Since New Mexico does not issue either NPDES permits under Section 402 or dredge and fill permits under Section 404, New Mexico is authorized to review permits and discharges to ensure the effluent limits will 1) be compatible with appropriate state law; 2) protect water quality standards adopted in accordance with section 303 of the Clean Water Act; and 3) implement an effective water quality plan. The state review, referred to as "certification" can result in the following: 1) approve the discharge without conditions; 2) approve the discharge subject to conditions; 3) deny certification; or 4) waive certification.

Part of State certification of NPDES permits is assurance that antidegradation requirements are met. Water quality standards have three components: designated use, water quality criteria to protect the use, and antidegradation. New Mexico has detailed antidegradation review procedures in the Continuing Planning Process. The antidegradation review procedures apply to all proposed new or increased discharges of pollutants to a surface water of the state. "New or increased discharge" includes NPDES permits issued by the US EPA pursuant to Clean Water Act Section 402 and Dredge and Fill permits issued by the USACE pursuant to Clean Water Act Section 404.

Antidegradation review generally consists of:

- Determining which antidegradation tier the receiving water body belongs in. For segments that are not listed as impaired on the New Mexico Integrated 303(d)/305(b) Report are Tier 2 waters for antidegradation purposes.
- Determine if the discharge is *de minimus* using a decision flow defined in the CPP. The expected BDD discharge may be considered *de minimus*, if the narrative standard for "settleable solids" is amenable to this decision flow process.
- If the discharge does not qualify as *de minimus*, compile information on the economic impact of discharges following procedures in the New Mexico Continuing Planning Process for review by the NMED.
- Public hearing, if requested, to obtain technical and non-technical testimony on the economic benefits and costs of a new discharge.
- NMED determination antidegradation requirements have been satisfied and that the economic benefits of a new discharge outweigh the impacts to water quality.
- The full antidegradation review process resulting in certification of the NPDES can take up to 180 days.

Projects that qualify for general or nationwide permits are considered *de minimus* under the antidegradation review procedures in the New Mexico Continuing Planning Process. *De minimus* discharges are exempted from antidegradation review, unless the discharge will cause more than 90% of the assimilative capacity of the stream to be used. Neither the Section 402 NPDES construction general permit activities nor the Section 404 dredge and fill nationwide 12 permit activities will require an antidegradation review. However, it is likely the NPDES permit for sand return will require an antidegradation review. The OC will obtain the NPDES permit for the sand

return and will work with the NMED SWQB to complete the antidegradation review. The OC will also obtain the Section 404 dredge and fill permit from the USACE and will ensure the conditions listed in the NMED certification are part of the DB contract. The DB Contractor is responsible for obtaining the NPDES permit for construction activities and for compliance with any conditions listed in the NPDES certification of the permit.

Requirements from Local Agencies

C10. NOISE CONSTRAINTS AND STIPULATIONS, *Compliance*

Responsibility for Completing Requirement: DB Contractor

The City of Santa Fe Noise Ordinance (Santa Fe City Code Section 10-2) prohibits construction noise in residential or commercial zone areas between the hours of 9:00 p.m. and 7:00 a.m. and in any other area of the city if the noise levels exceed the limits set in subsection 10-2.5 of the same ordinance. However, with the exception of one small segment of pipeline along NM 599, the Project is not within City Limits and jurisdiction is thus Santa Fe County.

Santa Fe County's noise ordinance (7.24.1 of Santa Fe County Land Development Code) outlines noise limits for various districts within the County as shown in the following table.

Santa Fe County Noise Limits

Location	Daytime	Nighttime
Regional and Community Center Districts	70dBA, or 10 dBA above ambient; whichever is less	55dBA, or 5 dBA above ambient; whichever is less
All Other Districts	55dBA, or 5 dBA above ambient; whichever is less	45dBA, or 5 dBA above ambient; whichever is less

The Development Plan application prepared for the County LUD will be reviewed by the County LUD to determine if the facility is likely to produce unreasonable high temporary or long-term average levels of noise. Any actual or projected noise measurements exceeding the average conditions presented in the preceding table calculated over a 12-hour period, at the property limits may result in denial of the application. These limitations apply to construction and operations of the facilities. The OC must review the most recent zoning map for the County to determine which of the limitations apply to which portions of the Project. The portions on federal land will be subject to the requirements of the BLM and USFS ROW and special use permits and not the County Ordinance. In the event the County Noise Ordinance hinders the construction or operation of the facilities, a potential for variance or exemption could be explored.

As outlined in the Draft EIS, the BLM Farmington Field Office imposes a noise standard on facilities on BLM managed lands of 48.6 decibels Leq (defined as the A-weighted noise level averaged over a 24-hour period at a distance of 300 feet from the noise source). This standard is equivalent to noise criteria used by other Federal Agencies such as the USFS. In general, the existing facilities at Buckman were found to conform to the noise standard when measured within a few hundred feet of the noise source. The noise limitations will be outlined as a stipulation in the ROW and Special Use Permit and will impact the selection of equipment and building design by the DB Contractor to ensure that the stipulation noise limitations are met during long term operation of the facilities. The facilities, including the WTP, are surrounded by federal land that provides a buffer for noise.

To minimize risk associated with noise limitations, compliance with the ordinances and stipulation should be made a responsibility of the DB contractor with requirements and limitations on noise stipulated in the DB Procurement Documents.

C11. RESIDUALS DISPOSAL, *Considerations and Alternatives:*

Responsibility for Completing Requirement: OC

The water removed from the river via the diversion (intake) structure will contain significant amounts of sand and silt. Following diversion, the water passes through a presedimentation facility where a large portion of the sand will be removed. The preferred disposal methodology for this sand is sediment return to the river authorized under an NPDES permit from US EPA (Permit A4).

The sand will be collected for land disposal or other use in the event that the Sediment Discharge NPDES Permit cannot be obtained from USEPA. Any use other will require loading and trucking the material from near the river up Buckman Road. One of the environmentally beneficial alternatives considered, instead of direct disposal, is utilization of the sand for landfill cover at the Caja del Rio Landfill. The Caja del Rio Landfill is situated atop a naturally-occurring basalt substrate, thus locating an ample supply of soil for landfill cover is a challenge for the Santa Fe Solid Waste Management Agency (SFSWMA). Therefore, supplying the sand from the BDD Project is a welcomed alternative to disposal, as this approximates to roughly 7,200 tons per year available for cover material for the landfill. Another option is use of the material for construction purposes. Sources of sand in the Santa Fe area are limited and other sources may be in demand in the future.

Similar to the sand from the river, the coagulated ferric chloride sludge from the WTP also requires disposal. Currently, the City of Albuquerque intends to land-apply their ferric sludge at the existing soil amendment facility, which will be permitted through an amended NMED Groundwater Discharge Permit. Because of the expense for land in Santa Fe, this is probably not a viable alternative. However, as an environmentally

beneficial alternative considered for BDD Project, the sludge from the WTP may be used for landfill cover at the Caja del Rio Landfill if it passes the Paint Filter Liquids Test (PFT,). The PFT (by EPA Test Method 9095) evaluates if any liquid passes through and drops from the filter within five minutes. If any liquid passes, the waste is deemed "liquid waste" and may not be accepted at the solid waste landfill. If dried appropriately at the WTP, the sludge, approximately 4,000 tons per year, would again be a welcomed as a landfill daily cover material rather than disposed directly at the landfill. Regardless of whether the material is used or disposed at the landfill, it must be loaded and trucked to the landfill. However, a tipping fee may not be charged if the materials are used for cover, this significantly reduces the O&M costs for the residual handling at the WTP.

CDM is continually exploring additional environmentally beneficial alternatives to disposal for the sand, silt, and sludge, including participation in the new composting program proposed by the SFSWMA. Unfortunately, recent regulatory revisions resulting from incidents of illnesses and public acceptance, beneficial use of the sludge and residuals are becoming more difficult to permit with regulatory agencies. Participation in the composting program will require evaluation of the residuals, determination of impact on the wastewater sludge compost, and revision of the City's wastewater permitting with the NMED Solid Waste Bureau per 40 CFR 503 (Standards for the Use or Disposal of Sewage Sludge). There are no permitting requirements specifically for water treatment plant residuals. The OC is responsible for the evaluation of potential uses or disposal options for the residuals and the required quality (dryness) of the sludge will be specified in the DB Contractor Procurement Documents.

C12. UTILITY COORDINATION, *Submittal, Coordination and Compliance:*

Responsibility for Completing Requirement: OC and DB Contractor

The proposed right of way for the new pipeline(s) and buried electric service is adjacent to numerous other buried and overhead utilities. Depending upon the location, there are water lines, buried electric lines, overhead electric, gas, and fiber optic nearby. Most utilities have established procedures and standards for other utilities crossing their facilities. It is recommended that the OC establish communication with all affected utilities to discuss the requirements of constructing facilities adjacent to their existing utilities. A determination of special construction methods, cathodic protection needs, distances, or other requirements must be made to allow for the requirements to be outlined in the DB Contractor procurement documents. The DB Contractor will be responsible for adhering the requirements, submittal of required documentation, plans, and as-builts to the utilities, and contacting NM One Call for utility locates prior to excavation.

Discussion of Plan

Completion of Permits, Easements, and Other Requirements

The permits, easements, and other requirements presented in this memorandum represent the scope of the requirements for the BDD Project. With each item, the responsible party best able to understand the data requirements, time frames necessary to complete each item, and other time-sensitive obligations necessary for timely completion of each item. It is paramount that the completion of each item follow the guidelines and timeframes set forth to minimize risk.

Whereas it is imperative for the responsible party to manage each item, it is also important to note that the individual agencies may update or modify their regulations throughout the course of the design. The OC will continue to coordinate with each agency to make sure all of the requirements for the BDD Project have been captured.

Agency Review/Response to Permits, Easements, and Other Requirements

The agency review/response time frames for the permits, easements, and other regulatory requirements presented in this memorandum are guidelines based upon current agency workloads. It is important to note that the individual agencies may become backlogged and the review/response time may be extended.

Therefore, it is crucial for the responsible party, especially the DB Contractor, to manage each item and continually coordinate with each agency for the timely completion of the BDD Project.

Recommendations

As stated herein, obtaining permits will be a shared responsibility, according to which party is best be able to obtain the permit/easement/or other requirement. Therefore, this Plan outlines the responsibilities for the Owners, the DB Contractor, and the OC.

To mitigate risk to the Project, whether it is delays to the design, mobilization, or construction, it is essential that each responsible party follow the guidelines and timeframes set forth in this Plan. As a supplement to this Plan, the OC will continue coordinating with each agency for an update and ongoing assessment of the requirements for the BDD Project on a monthly basis. An information package, including a summary table of this Permits and Easements Plan was sent to all agencies identified in this Plan with a cover letter requesting input on the completeness of the Plan. This plan incorporates agency comments on the accuracy of this plan and the comprehensiveness of the list of permits, easements, and other requirements.

Owner's Review of Memorandum

This memorandum presenting the scope of permits, easements, and other requirements for the BDD Project is final. It incorporates comments received from the City and County.

Acronyms and Nomenclature

The acronyms and nomenclature used in this memorandum include the following:

Acronyms and Nomenclature

Acronym	Description
AQB	Air Quality Bureau
BA	Biological Assessment
BDD	Buckman Direct Diversion
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BOR	Bureau of Reclamation
CAR	Coordination Act Report
CDM	Camp Dresser & McKee
CFR	Code of Federal Regulations
CPB	Construction Programs Bureau
CPP	Continuing Planning Process
CWA	Clean Water Act
CWSRF	Clean Water State Revolving Fund
dBA	decibels (A-weighted)
DB	Design/Build
DWB	Drinking Water Bureau
EID	Environmental Information Document
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FLPMA	Federal Land Policy and Management Act
FNSI	Finding of No Significant Impact
gpd	gallons per day
GWQB	Ground Water Quality Bureau
ISC	Interstate Stream Commission
J/B	Jacking and Boring (or Jack and Bore)
LUD	Land Use Department
MBTA	Migratory Bird Treaty Act
MCL	Maximum Contaminant Level
MRGCD	Middle Rio Grande Conservation District
NEPA	National Environmental Policy Act
NFMA	New Mexico Finance Authority
NHPA	National Historic Preservation Act
NM	New Mexico
NMAC	New Mexico Administrative Code
NMCID	New Mexico Construction Industries Division
NMDGF	New Mexico Department of Game and Fish

Acronyms and Nomenclature

Acronym	Description
NMDOT	New Mexico Department of Transportation
NMED	New Mexico Environment Department
NMSLO	New Mexico State Land Office
No.	Number
NOI	Notice of Intent
Nos.	Numbers
NPDES	National Pollutant Discharge Elimination System
NTU	Nephelometric Turbidity Units
NWP 12	Nationwide 12 Permit
OC	Owners' Consultant
OSE	Office of the State Engineer
PER	Preliminary Engineering Report
POD	Plan of Development and Operations Report
RFP	Request for Proposal
RGSM	Rio Grande Silvery Minnow
ROD	Record of Decision
ROS	Recreation Opportunity Spectrum
ROW	Right of Way
SF	Standard Form
SFSWMA	Santa Fe Solid Waste Management Agency
SHPO	State Historic Preservation Office
SWPPP	Storm Water Pollution Prevention Plan
URGWOPS	Upper Rio Grande Water Operations Review and Environmental Impact Statement
US	United States
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFS	Unites States Forest Service
USFWS	United States Fish and Wildlife Service
WTP	Water Treatment Plant

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